<center>**IN THE UNITED STATES DISTRICT COURT FOR THE**
WESTERN DISTRICT OF OKLAHOMA</center>

GEORGINA DOMINQUEZ,   )
)
        Plaintiff,   )
)
v.   )   Case No. CIV-13-1032-M
)
MIDWEST MAINTENANCE, INC., d/b/a)
MIDWEST MAINTENANCE, LLC,   )
)
        Defendant.   )

<center>**ORDER**</center>

Before the Court is defendant's Motion to Dismiss, filed October 22, 2013. On November 08, 2013, plaintiff filed her response, and on November 15, 2013, defendant filed its reply.

On September 28, 2012, plaintiff filed an action in the District Court of Oklahoma County. Defendant removed this case to this Court. On May 31, 2013, this Court dismissed plaintiff's claims for failure to serve the lawsuit within 180 days of filing as required by Oklahoma's civil procedure statutes. On June 11, 2013, plaintiff re-filed her lawsuit in Oklahoma County District Court. Defendant again removed this case to this Court.

In her Second Amended Petition, plaintiff asserts a pregnancy discrimination claim in violation of Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978 ("PDA"), 42 U.S.C. 2000(e)(k) and an intentional infliction of emotion distress (IIED) claim. In her response brief to defendant's Motion to Dismiss, plaintiff concedes that her federal claim under the PDA is untimely and that it should be dismissed. The Court, therefore, finds that plaintiff's pregnancy discrimination claim should be dismissed. After the Court's dismissal of her federal claim, the only remaining claim in this case is plaintiff's IIED claim, a state law claim. As plaintiff's federal claim was the sole basis for this Court's original jurisdiction, the Court declines

to exercise supplemental jurisdiction over plaintiff's state law claim. Accordingly, the Court partially GRANTS defendant's Motion to Dismiss [docket no. 10], DISMISSES plaintiff's pregnancy discrimination claim, and REMANDS this action to the District Court of Oklahoma County, State of Oklahoma.

     IT IS SO ORDERED this 13th day of December, 2013.

VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE